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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,545	08/09/2001	Peter Schlemm	A-2812	6082

7590 01/28/2004

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EXAMINER

GUTIERREZ, ANTHONY

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 01/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,545

Applicant(s)

PETER SCHLEMM

Examiner

Anthony Gutierrez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because the elements of Figure 3 are referenced only with numerals and lack a brief text description of the steps of the method of invention.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claimed invention involves "method steps". The claims however seem to treat steps of a method as though they are components of an apparatus. Claim 2, for example recites, "wherein the method steps are divided into modules" and claim 4 recites "wherein method steps are stored in a storage device".

These claims are indefinite because they do not distinctly claim what aspect of a method step or steps allows it translate into an apparatus or component of an apparatus.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Morris et al. (US Patent 5,764,900).

As to claim 1, Morris et al. discloses a method of executing method steps, which comprises: checking whether an output mode is switched on; and producing an output signal in a method step and outputting the output signal only if the output mode is switched on (col. 6, lines 34-51).

As to claim 2, Morris et al. further discloses wherein the method steps are divided into modules, and the method comprises changing from one module to another module during the execution of the method steps, and wherein the output signal comprises an identifier indicating in which module the output signal was produced (col. 1, lines 50-65).

As to claim 3, Morris et al. further discloses executing the method steps in a plurality of devices, and generating the output signal with an identifier indicating the device in which the output signal was produced (col. 1, lines 50-65).

As to claim 4, Morris et al. further discloses wherein the method steps are stored in a storage device, and the method comprises reading out the method steps from the storage device and executing the method steps, and wherein the output signal

comprises an identifier indicating where the method step is stored that produced the output signal (col. 3, lines 29-53).

As to claim 5, Morris et al. further discloses wherein the output signal comprises an identifier indicating in which method step the output signal was produced (col. 7, lines 6-41 and Fig. 7).

As to claim 6, Morris et al. further discloses wherein the output mode is one of a plurality of output modes, and the method comprises checking which output mode is set, and wherein the output signal comprises an identifier indicating to which output mode the output signal belongs, and wherein only the output signals belonging to the set output mode are outputted (col. 7, lines 6-41 and Fig. 7).

As to claim 7, Morris et al. further discloses outputting the output signal via an output unit as a signal selected from the group consisting of optical and acoustic signals (col. 4, lines 16-22, Title, Abstract).

As to claim 8, Morris et al. further discloses wherein the output signal is stored in a storage device, together with an indication of a time at which the output signal was stored (col. 3, lines 14-21).

As to claim 9, Morris et al. discloses a device for executing method steps, which comprises a control apparatus producing an output signal, said control apparatus being configured to check whether an output mode is switched on, and to output the output signal if the output mode is switched on (col. 6, lines 34-51).

As to claim 10, Morris et al. further discloses wherein said control apparatus is a first control apparatus and comprising a second control apparatus, and wherein one of said first and second control apparatus produces the output signal, and said first or

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second control apparatus outputs the output signal if an output mode is switched on, and the output signal comprises an identifier indicating whether the output signal was produced by said first or second control apparatus (col. 1, line 66- col. 2, line 8 and col. 6, lines 34-51).

As to claim 11, Morris et al. further discloses wherein the output signal includes an identifier indicating at which method step the output signal was produced (col. 7, lines 6-41 and Fig. 7).

As to claim 12, Morris et al. further discloses wherein at least one of said first and second control apparatus executes method steps in the form of program modules, and the output signal comprises an identifier indicating the module in which the output signal was produced (col. 7, lines 6-41 and Fig. 7).

As to claim 13, Morris et al. further discloses a storage device storing the method steps; and wherein at least one of said first and second control apparatus is configured to read out the method steps for the execution from the storage device; and wherein the output signal comprises an identifier indicating a location at which the method steps are stored in said storage device (col. 3, lines 29-53).

As to claim 14, Morris et al. further discloses wherein the location is identified in said storage device via a memory address (col. 5, lines 35-45).

As to claim 15, Morris et al. further discloses wherein the location is identified in said storage device via a data filename (col. 5, lines 22-35).

As to claim 16, Morris et al. further discloses input means configured to enable selective switching on and switching off of the output mode even during the execution of the method steps (col. 5, lines 6-17).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 6,192,395 to Lerner et al. builds on the invention disclosed in US Patent 5,764,900 to Morris et al. by including means for visually identifying participants in a networked event.

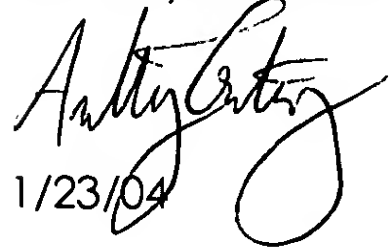
US Patent 6,449,371 to Tan et al. discloses generating an output signal having at least three audio channels which are functions of a PC audio signal and an audio surround sound signal.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Gutierrez whose telephone number is (703) 305-1973. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (703) 308-1677. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7722.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0976.

Anthony Gutierrez



1/23/04



MARC S. HOFF
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